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CONTEMPORARY FORMS OF SLAVERY

Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1995/16

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	2
REPLIES RECEIVED FROM GOVERNMENTS		
Angola	4	2
Bangladesh	5 - 6	2
Philippines	7 - 25	4

Introduction

1. The Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour in its resolution 1993/79 of 10 March 1993 and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels, and requested the Sub-Commission to submit to it every two years a progress report on the implementation of the Programme of Action by all States. The text of the Programme of Action is to be found in the annex to Commission resolution 1993/79.

2. In its resolution 1995/16, the Sub-Commission requested the Secretary-General to invite States to inform the Working Group of measures adopted to implement the Programme of Action and to submit a report thereon to the Sub-Commission at its forty-eighth session and to the Commission at its fifty-third session.

3. In order that the Working Group might examine this matter at its twenty-first session, the Secretary-General, on 28 February 1996, sent notes verbales to Governments requesting the desired information. As of 3 June 1996, replies had been received from Angola, Bangladesh and the Philippines.

REPLIES RECEIVED FROM GOVERNMENTS

Angola

[Original: French]
[20 May 1996]

4. The exploitation of child labour is prohibited in Angola. Nobody may employ anyone who has not reached the age of 16.

Bangladesh

[Original : English]
[5 July 1995]

5. The Government of Bangladesh has drawn the attention of the High Commissioner for Human Rights to a memorandum of understanding (MOU) on the elimination of child labour from the garment industry in Bangladesh which was signed on 4 July 1995 by the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF and ILO.

6. In this connection, attention was also drawn to the following:

(a) Bangladesh is among the least developed countries and is striving hard for accelerated economic development through the expansion of its exports. Ready-made garments have, in recent years, emerged as the largest export item and constitute one of the mainstays for Bangladesh's economic take-off. The level of child labour is low in general in Bangladesh, and in the garments sector it constitutes a very small percentage (4-5 per cent) of

total employment. It is also generally recognized that working conditions in the garments industry are significantly better than in any other industry. Moreover, unlike some other countries, Bangladesh does not have any bonded labour or forced labour.

(b) Bangladesh labour laws do not allow the use of child labour and prohibits the employment of anyone who has not attained the age of 14. By and large, Bangladesh also adheres to the principles and spirit of the relevant ILO conventions. But the existence of child labour is a complex socio-economic problem which cannot be eliminated overnight and has to be handled with care and tackled gradually.

(c) The MOU lays the groundwork for eliminating child labour from the garments industry in Bangladesh in a human and socially responsible manner. It is meant to ensure that the industry's health and international competitiveness remain robust, that Bangladesh national laws are observed, and that existing under-aged workers are given an education and assured the preservation of a significant part of their income. It is also reflective of a recognition by the business community that the education of the child is a part of their responsibility and that it helps to promote skill development which, in turn, is beneficial to industrial development.

(d) According to the terms of the MOU, all workers under the age of 14 (identified by an appropriate survey) will be withdrawn from garments factories and enrolled in schools. The MOU does not envisage termination of the employment of any worker otherwise entitled to work under the existing laws of the land. Children will not have their employment terminated until educational programmes - supported by all the signatories and established in consultation with the Government of Bangladesh - are in place for them; 31 October 1995 has been set as the target date for child-free factories, provided the schools are ready.

(e) In order to mitigate the income loss of the child workers when their employment is terminated, the MOU provides that they will receive a monthly stipend while attending school. In addition, they may benefit from after-school income generation programmes. The BGMEA will undertake to offer employment to a qualified family member of each retrenched child, when possible. An eventual work-study programme for 12 to 13 year-olds also remains a possibility, should the Bangladesh Labour Code be amended to allow for it. The possibility of food supplementation will also be explored.

(f) The MOU includes provisions for creating a credible verification programme to be developed by ILO and overseen by an informal steering committee to ensure observance of its terms. The Government of Bangladesh commends the signatories for formulating a workable and compassionate plan to tackle a complex problem. The Government is hopeful that the successful implementation of the MOU will place the garments industry of Bangladesh at the very forefront of regional and international efforts to end child labour. This is also consistent with the position of the Government, which is reflected in its ratification of the Convention on the Rights of the Child and in the MOU signed by the Government with ILO under the International Programme on the Elimination of Child Labour (IPEC).

(g) Despite being among the least developed countries, Bangladesh has made commendable efforts at the risk of great financial and social costs, which should be appreciated not only by the importing countries but by all nations of the world. It is hoped that because of this pioneering move to eliminate child labour, the Governments of the importing countries and concerned NGOs will make appropriate moves to open up greater access for Bangladesh garments and encourage people with the slogan "Buy Bangladesh".

(h) Implementation of the MOU and sustaining such programmes will require funds apart from those pledged by BGMEA, UNICEF and ILO. The international agencies and private donors should, therefore, come forward to contribute to the schooling and subsistence programmes, as underlined in the MOU.

(i) The Government of Bangladesh considers the MOU as a model for the eradication of child labour in a socially responsible way which may be worth emulating.

Philippines

[Original : English]
[29 May 1996]

7. In the Philippines, the Government's commitment to and vision for Filipino children are clearly set out in the Philippine Plan of Action for Children (PPAC), formulated in 1990 after the Government ratified the Convention on the Rights of the Child. The Philippines is also a signatory to a number of other international covenants concerned with the promotion of the rights and welfare of working children, the most prominent of which is the ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

8. Other policy instruments in force to support fully and firmly the continued protection of Filipino children from abuses and exploitation include:

(a) The Child and Youth Welfare Code, enacted in 1974, serves as the Government's framework for the promotion of the welfare of Filipino children. It defines the rights of children, the rights and responsibilities of parents and the role of other institutions (community, religious institutions, school) in promoting the welfare of children. It also recognizes the special categories of children who need immediate rehabilitative and developmental services.

(b) The Labour Code of the Philippines contains provisions that prohibit the employment of children below 15 years and regulates the employment of minors or young workers. For hazardous occupations, the minimum age of employment is set at 18 years. Those between 15 and 18 years of age are eligible only for employment in non-hazardous work. Department Order No.4 issued by The Department of Labour and Employment enumerates more than 590 occupations in 9 occupational groupings in which employment of children is banned.

(c) Republic Act No. 7610, enacted in 1992, declares as a State policy the special protection of children from all forms of abuse, neglect, cruelty, exploitation, discrimination and other conditions prejudicial to their development. It imposes stringent penalties for specific acts of exploitation and discrimination (for example, prostitution and sexual abuse, child trafficking and other abuses) and requires the formulation of a comprehensive government programme on child abuse, exploitation and discrimination. RA 7610 also outlines the rights and privileges of children in varying situations and circumstances, as well as remedial procedures for the prosecution of acts punishable under the law.

(d) Republic Act No. 7610 was amended by Republic Act No. 7658 in 1993. The 1993 law reiterated some of the provisions of RA 7610 regarding procedural requirements for the employment of children, but added safeguards to prevent child labour. Under the new law, employment of children is subject to very stringent rules. It states that work should not impair the child's normal development and obligates the parents or legal guardians to provide the prescribed primary and secondary education.

9. Initiatives are currently also being undertaken to revise the country's existing rules and regulations governing private recruitment and placement agencies relating to child labour. Part of the proposed new rules is the submission, as an additional requirement in applying for a licence to recruit, of a notarized statement that the applicant agency shall engage in recruitment activities in strict compliance with RA 7610 as amended by RA 7658. This means that the licence of private recruitment and placement agencies will be revoked if they engage in illegal recruitment of children. In addition they will face criminal and administrative liabilities.

10. Despite the lack of reliable information on child labour, the Government has acknowledged the existence of the problem and the need to act on it by putting policy into practice. Major interventions date back to the 1980s. Inter-agency committees were formed to address child labour problems, particularly in hazardous occupations such as muro-ami fishing and child prostitution.

11. In the mid-1980s, the Dutch-funded "Smoky Mountain Project" (a pilot project affecting young scavengers in Metro Manila) implemented by the Department of Labour and Employment successfully weaned children from scavenging activities in Manila's major garbage dump site, Smoky Mountain. The project developed a community-based scheme under which target children were placed in appropriate vocational and livelihood programmes. The present administration has completely rehabilitated the Smoky Mountain area from a dump site for garbage into a community housing and livelihood project.

12. Under the Programme of Cooperation for Children between the Philippines and UNICEF called "Breaking ground for community action on child labour", the subprogramme on children in especially difficult circumstances is considered a breakthrough.

13. The third Philippine-UNICEF programme of cooperation for the period 1988-1993 made inroads towards solving the problem of child labour through a more systematic approach. It engaged in creating appropriate

structures and mechanisms at various levels of governance to coordinate, advocate and manage services and activities for working children and their families. An initial core group of two government agencies and the academe expanded to include other government agencies, a network of NGOs, and representative organizations from the employer and labour sectors. The five-year project was characterized by efforts to elevate child labour to the highest level of government policy and agenda for action. Efforts were geared towards raising awareness and advocacy. The early part of the programme consisted of capability building, direct service delivery and research. The fourth country programme for children covers the years 1995-1998.

14. In 1994, the Government, through the Department of Labour and Employment, entered into an agreement with the International Labour Organization's International Programme on the Elimination of Child Labour (ILO-IPEC). The commitment of support by ILO-IPEC further strengthened the initiatives under the UNICEF programme of cooperation. ILO, UNICEF and the Government signed a memorandum of agreement for the "intensified, sustained and unified implementation of a national programme against child labour in the Philippines". This in effect integrated efforts under the UNICEF programme and ILO-IPEC into one national programme on child labour whose objectives are:

(a) To promote the enforcement of relevant provisions of the Convention on the Rights of the Child, other international labour standards, and all national policies, laws and standards in order to prevent or protect:

(i) Children below 18 years old from working in hazardous occupations;

(ii) Children from 15 to 18 years old in employment which violates standards on terms and conditions of work for children, for example, hours of work, occupational safety and health, payment of a minimum wage, provision of social security, etc.;

(iii) Children below 15 years of age who are employed, without an appropriate work permit, by persons other than their parents or legal guardians, in enterprises employing workers other than members of the employer's family, and/or in work that impairs their normal development, including their schooling.

(b) To strengthen the ban on employment of children in conditions that are hazardous to their health and well-being, especially in the 29 provinces and 15 cities covered by the Government-UNICEF cooperation agreement as well as in other areas that may be covered by ILO-IPEC, through the pursuit of the following support objectives:

(i) Increased participation of working children between 15 and 17 years old and former child labour victims in advocacy work for the Convention on the Rights of the Child;

(ii) increased participation of working children in formal and non-formal educational activities of Education for All (EFA) and as a strategy for removing children from hazardous work;

(c) To identify and provide rehabilitation services for work-related health and/or psycho-social problems of child labourers and to improve their access to health services as affirmative support to their right to normal development;

(d) To enhance access to viable employment or income-augmenting opportunities for child labourers, parents and/or siblings of employable age, for the direct purpose of eliminating the economic justification of illegal employment.

The Child Labour Program pursues eight programme strategies, namely:

(a) Social research and investigation;

(b) Advocacy and social mobilization;

(c) Community organizing;

(d) Provision of basic, special alternative services;

(e) Employment promotion and income generation;

(f) Policy development and legal protection;

(g) Institutionalization/capability building;

(h) Project documentation, monitoring and evaluation.

15. To improve the quality of data collection on child labour, a household based survey of child labour has been pilot tested and integrated into the regular survey conducted by the National Statistics Office. The aim of this survey is to yield more accurate socio-demographic data on child labour up to the regional level. Meanwhile, participating local government units are also conducting situation analysis of communities and masterlisting of child labourers. Together, these research activities will contribute to a more reliable database for better focusing of programme interventions.

16. The Philippine Information Agency and other programme partners in the media have developed video and radio presentations which deal with the issue of child labour. A communication plan that will be implemented at the national, regional and community levels is also being drawn up. Apart from these, awareness-raising activities are being conducted among potential partners and various audiences in forums organized by programme implementors from different government and non-governmental organizations.

17. The Departments of Social Welfare and Development, Health, Education, Culture and Sports, and Labour and Employment provide various and appropriate preventive and rehabilitative services to child labourers and their families. Such services include the provision of counselling services for the children, effectiveness seminars for their parents, and livelihood and employment opportunities for their families.

18. Various training and seminars on special skills for programme implementors at various levels are conducted, based on needs. Thus, social workers, labour inspectors, trade unionists and others have benefited from such training.

19. Under the project "Breaking ground for community action on child labour", a flagship undertaking called the Sagip Batang Mangoagawa (Save the Child Worker) Inter-Agency Quick Action Program is being institutionalized to provide rescue and rehabilitative services to children in hazardous and exploitative situations. Erring employers will be criminally prosecuted under RA 7610, as amended by RA 7658.

20. The activities under the Sagip Batang Mangoagawa programme include active monitoring and reporting of cases to the proper authorities, which can refer cases to the appropriate institutions or provide assistance directly. They also include rescuing the child labourers from factories or other places of employment, and when necessary, imposing sanctions on the illegal employer/recruiter. The programme also provides psycho-social and health services to child labour victims; renders assistance in the prosecution of administrative, civil and/or criminal cases against violators of child labour laws; and follows through with delivery of further services to the children's family and community.

21. Since July 1993, at least 48 successful rescue operations have been conducted, with a total of 129 child labourers rescued from illegal employment. Some of those rescued were sent home while others were placed in the custody of the Department of Social Welfare and Development. The criminal aspects of the cases against illegal employers are currently being prosecuted by the Department of Justice. The charges of violations of labour standards have been settled by the Department of Labour and Employment.

22. In line with the Government's intensified campaign against abuse of child labour, the Department of Labour and Employment has conducted special training for its labour inspectors for more effective enforcement of labour laws. The inspectors, who number only about 250 nationwide, are being augmented by new trainees and students in line with the Department's commitment to inspect all establishments employing 10 or more workers and at least 40 per cent of those employing 5 to 9 workers.

23. An orientation workshop on laws prohibiting child labour was conducted for members of the Philippine Organization of Private Employment Agencies in June 1994 to discourage their participation in the illegal employment of children. More such workshops/seminars have been scheduled to intensify the drive against the recruitment of child labourers.

24. Among other ongoing and pipeline projects for 1995-1996 are:

(a) A nationwide child labour survey which will be integrated into the labour force survey of the National Statistics Office;

(b) Advocacy activities to strengthen the enforcement of national legislation and prosecution;

(c) Intensified training of labour inspectors in methods for improved inspection of child labour;

(d) Initiatives against child trafficking for domestic labour, focusing on both prevention and rehabilitation of victims;

(e) Interventions to remove children from small-scale mining operations;

(f) Support activities for educators involved in the monitoring of school performance of children in home-based industries;

(g) Community mobilization for the protection and rehabilitation of the victims of child prostitution;

(h) Training for service providers concerned with child labour;

(i) Awareness-raising activities involving the tri-media approach;

(j) Preparatory work on IPEC secondary target groups.

25. Besides government bodies, a number of non-governmental organizations are also engaged in programmes whose target beneficiaries are working children. Their activities are directly or indirectly related to child labour, for example, developmental or welfare projects, direct-service delivery, or support services for advocates and implementors.